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Amendments to s 97B of the EP&A Act: Amelioration of a poor policy decision or rectification of bad drafting? – *Mark Hamilton*

Recent amendments to s 97B of the *Environmental Planning and Assessment Act 1979* (NSW) go some way to harmonising this previously criticised mandatory cost provision with an amber light approach to planning merit decisions in the Land and Environment Court. Although the flawed rationale behind the provision remains it will nevertheless be less confronting to the court because "costs thrown away" have been a usual exercise of the court's costs discretion in the past and the costs order that Parliament originally mean to enact. 127

Meeting the climate change challenge in local government decision-making with the use of sustainable climate change adaptation modelling – *Judith Preston* and *Jennifer Scott*

Local government is changing from the traditional role of "roads, rates and rubbish" to the most flexible and adaptive level of government to meet complex challenges such as climate change. Through Federal and State legislative frameworks which regulate climate change impacts, local councils carry out their burgeoning responsibilities to an increasing standard of stewardship. Initiatives at an international and national level have positively influenced the adoption and implementation of forward-thinking principles such as ESD, ecological citizenship and climate justice in local governance. Climate change adaptation modelling is a policy exemplar where local government is striding towards pro-active partnerships with public and private bodies to protect the environment and quality of life for its current constituents and those of the future. This article explores the phenomena of the changing face of local government and its capacity to deal with complex public policy. 135

Out of land and out of pocket: An analysis of compensation for disturbance following the compulsory acquisition of land in NSW – *Nicholas Brunton*

In New South Wales, the legislation governing the payment of compensation following the compulsory acquisition of land is now two decades old. Since the *Land Acquisition (Just Terms Compensation) Act 1991* commenced operation on 1 January 1992, a large body of case law has developed on the compensation payable by acquiring authorities for various ancillary costs associated with a resumption. These costs are distinct from the compensation for the market value of the acquired land and are called "disturbance" costs. Disputes about the entitlement to such costs are common and, where the parties cannot reach agreement, can result in extended litigation. This is particularly the case where an acquisition affects a business being carried out on the relevant land. This article examines the principles and case law governing the awarding of compensation for disturbance following a compulsory acquisition with the aim of clarifying the rights and obligations of the parties. 148

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